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Attorneys for Plaintiffs,
UNITED STATES OF AMERICA, *ex rel.*
DANIEL LOUIS SHAPIRO; STATE OF
CALIFORNIA, *ex rel.* DANIEL LOUIS
SHAPIRO

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, *ex rel.*
DANIEL LOUIS SHAPIRO; STATE OF
CALIFORNIA *ex rel.* DANIEL LOUIS
SHAPIRO,

Case No. C 11-3261 DMR

**PLAINTIFF'S REQUEST FOR
DISMISSAL WITHOUT PREJUDICE;
[PROPOSED] ORDER**

Plaintiffs,

vs.

CHRISTOPHER J. BALL, et al.

Defendants.

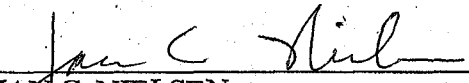
PLEASE TAKE NOTICE that Plaintiff and Relator, Daniel Shapiro, hereby requests that the above-captioned action be dismissed, without prejudice, and requests that the District Court grant such other relief as is necessary and appropriate. The complaint has not been served on defendants.

The State of California's Consent to Dismissal Without Prejudice is attached hereto and incorporated by reference. A proposed order accompanies this request.

DATED: February 21st 9, 2012

LAW OFFICES OF JAN C. NIELSEN

By:

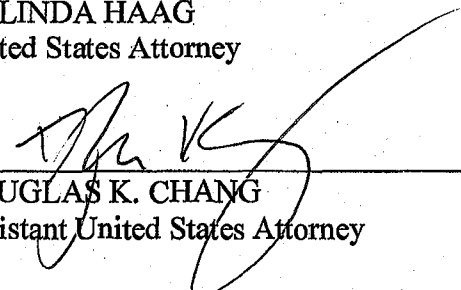

JAN C. NIELSEN
Attorneys for *ex rel.* PLAINTIFF,
DANIEL LOUIS SHAPIRO

Pursuant to 31 U.S.C. § 3730(b)(1), the United States of America, through its undersigned counsel, hereby consents to the dismissal of the above-captioned action provided such dismissal is without prejudice to the United States,

TONY WEST
Assistant Attorney General

MELINDA HAAG
United States Attorney

By:


DOUGLAS K. CHANG
Assistant United States Attorney

1 **KAMALA D. HARRIS**
2 **Attorney General of California**
3 **MARK GEIGER**
4 **Senior Assistant Attorney General**
5 **CLAUDE VANDERWOLD**
6 **Supervising Deputy Attorney General**
7 **BRIAN J. KEATS (SBN. 228706)**
8 **Deputy Attorney General**
9 **Bureau of Medi-Cal Fraud & Elder Abuse**
10 **1425 River Park Drive, Suite 300**
11 **Sacramento, CA 95815-4524**
12 **Telephone: (916) 263-0407**
13 **Facsimile: (916) 274-2929**
14 **E-mail: Brian.Keats@doj.ca.gov**

15 *Attorneys for the State of California*

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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
(OAKLAND DIVISION)

[UNDER SEAL],

Plaintiffs,

vs.

[UNDER SEAL],

Defendants.

Case No. C 11-3261 DMR

FILED UNDER SEAL
PURSUANT TO 31 U.S.C. § 3730(b)(2)

CALIFORNIA'S CONSENT TO
DISMISSAL WITHOUT PREJUDICE

KAMALA D. HARRIS
Attorney General of California
MARK GEIGER
Senior Assistant Attorney General
CLAUDE VANDERWOLD
Supervising Deputy Attorney General
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Attorneys for the State of California

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
(OAKLAND DIVISION)

UNITED STATES *ex rel.* DANIEL LOUIS
SHAPIRO, and STATE OF CALIFORNIA, *ex*
rel. DANIEL LOUIS SHAPIRO,

Plaintiffs,

vs.

CHRISTOPHER J. BALL, et al.,

Defendants.

Case No. C 11-3261 DMR

FILED UNDER SEAL
PURSUANT TO 31 U.S.C. § 3730(b)(2)

**CALIFORNIA'S CONSENT TO
DISMISSAL WITHOUT PREJUDICE**

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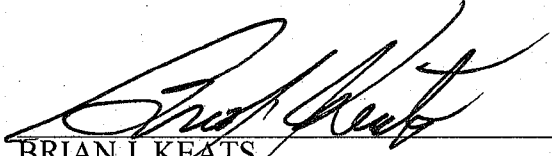
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1 In accordance with California Government Code section 12652(c)(1), the State of
2 California, while having never intervened in the above referenced action, hereby consents to *qui*
3 *tam* plaintiff's voluntary dismissal of said action without prejudice to the State of California.

4
5 Dated: February 8, 2012

Respectfully submitted,

6 KAMALA D. HARRIS
7 Attorney General for the State of California

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10 By: 
11 BRIAN J. KEATS
12 Deputy Attorney General
13 Bureau of Medi-Cal Fraud & Elder Abuse

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Attorneys for the State of California

PROOF OF SERVICE

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter; my business address is California Department of Justice, Bureau of Medi-Cal Fraud and Elder Abuse, 1425 River Park Drive, Suite 300, Sacramento, CA 95815. On February 08, 2012, I served a true copy of the following document:

CALIFORNIA'S CONSENT TO DISMISSAL WITHOUT PREJUDICE

☒ **VIA FIRST CLASS MAIL:** I am readily familiar with this firm's practice for collection and processing of correspondence for mailing. Following that practice, I placed a true copy of the aforementioned document(s) in a sealed envelope in the internal mail collection system at the Office of the Attorney General at 1300 I Street, Suite 125, P.O. Box 944255, Sacramento, CA 94244-2550, addressed as shown in the attached Service List.

☐ **VIA FACSIMILE:** I am readily familiar with this firm's practice for causing documents to be served by facsimile. Following that practice, I caused the aforementioned document(s) to be transmitted to the telephone number(s) of the addressee(s) specified in the attached Service List.

☐ **VIA OVERNIGHT COURIER SERVICE:** I am readily familiar with this firm's practice for causing documents to be served by overnight courier. Following that practice, I caused the sealed envelope containing the aforementioned document(s) to be delivered via overnight courier service to the addressee(s) specified in the attached Service List.

☐ **VIA HAND DELIVERY:** I am readily familiar with this firm's practice for causing document to be served by hand delivery. Following that practice, I caused the sealed envelope containing the aforementioned document(s) to be hand delivered to the addressee(s) specified in the attached Service List.

☒ **VIA E-MAIL:** My e-mail address is Eileen.Landon@doj.ca.gov. I am readily familiar with the Office of the Attorney General's practice for causing documents to be served by mail. Following that practice, I caused the aforementioned document(s) to be emailed to the addressee(s) specified in the attached Service List.

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct. Executed at Sacramento, California, on February 08, 2012.


EILEEN LANDON

SERVICE LIST

Douglas K. Chang
United States Attorney's Office
Civil Division
450 Golden Gate Avenue
Box 36055
San Francisco, CA 94102

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(Attorneys for the USA)

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Joshua G. Konecky
Schneider Wallace Cottrell Brayton Konecky LLP
180 Montgomery Street, Suite 2000
San Francisco, CA 94104

(Attorneys for the Relator)

I, Jan C. Nielsen, declare:

I am employed in the City of Walnut Creek, California. I am over the age of 18 years and not a party to the within action. My business address is 49 De Laurenti Court, Walnut Creek, California.

On February 21, 2012, I served the following:

**PLAINTIFF'S REQUEST FOR DISMISSAL WITHOUT PREJUDICE;
[PROPOSED ORDER]**

on the parties in this action by placing a true and correct copy thereof in a sealed package, addressed as shown in the attached Service List:

- (X) (BY U.S. MAIL) I placed such sealed envelope, with postage thereon fully prepaid for first-class mail, for collection and mailing at the United States Post Office Walnut Creek, California 94598, following ordinary business practices. Correspondence is deposited in the United States Postal Service the same day as it is placed for collection.
- () (BY PERSONAL SERVICE) I personally caused to be served each such envelope by hand to the addressee(s) noted above.
- () (VIA FEDERAL EXPRESS or other overnight delivery service) I caused each such envelope to be delivered via overnight service to the addressee(s) noted above.
- () (VIA FACSIMILE) I caused each such document to be sent via facsimile to the above number(s).
- (X) (VIA E-MAIL) I caused each such document to be sent via e-mail to the addresses specified on the attached Service List.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed at Walnut Creek, California, on February 21, 2012.



JAN C. NIELSEN

SERVICE LIST

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1425 River Park Drive, Suite 300
Sacramento, CA 95815

(Attorneys for the State of California)

~~PROPOSED~~ ORDER

The Plaintiff and Relator, Daniel Louis Shapiro, having notified the Court that he has elected not to proceed with the above-captioned action, not having served the complaint, the State of California having consented to the dismissal without prejudice, and the United States having consented to the dismissal of the above-captioned action so long as the dismissal is without prejudice to the United States, IT IS HEREBY ORDERED as follows:

The complaint and action filed by Plaintiff and Relator Daniel Louis Shapiro is dismissed, as to all parties and all causes of action, without prejudice.

IT IS SO ORDERED.

DATED: February 21, 2012

